



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Continued Public Hearing to Consider Appeal from Marlo Kerner and Associates Regarding the Planning Commission's Denial of its Request to Amend P-D(21), Planned Development District No. 21 (Lakeshore Village) by Modifying the Permitted Uses to Allow a Restaurant with Cocktail Lounge at 1750 West Kettleman Lane (APN 058-160-86) (THIS APPEAL HAS BEEN WITHDRAWN)

**MEETING DATE:** October 6, 1993

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** No action required. This matter has been withdrawn by the appellant.

**BACKGROUND INFORMATION:** The City Council set for Public Hearing for October 6, 1993 the appeal received from Marlo Kerner and Associates regarding the Planning Commission's denial of its request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village) by modifying the permitted uses to allow a restaurant with cocktail lounge at 1750 West Kettleman Lane (APN 058-16-86).

On September 29, 1993, the City Clerk's office received letter from Marlo Kerner (see attached) notifying our office that he is withdrawing his request to appeal.

Therefore, no action by the City Council is necessary.

**FUNDING:** None required.

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

JMP

COUNCIL32/TXTA.02J/COUNCOM  
APPROVED: \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



CC-1



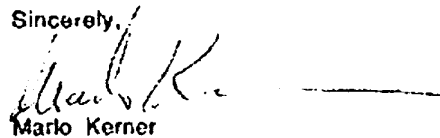
September 29, 1993

Jennifer Perrin  
City Clerk  
P.O. Box 3006  
Lodi, CA 95241

Dear Ms. Perrin,

I respectfully request that my appeal to the city council scheduled for October 6, 1993 be withdrawn and the public hearing cancelled.

Sincerely,



Marlo Kerner

MARLO KERNER & ASSOCIATES  
P. O. Box 1890  
Lodi, California 95241  
Phone (209) 368-0691  
FAX (209) 368-0691

SEP-29-1993 09:31

P.02



## CITY OF LODI

## COUNCIL COMMUNICATION

**AGENDA TITLE:** Appeal from Marlo Kerner and Associates Regarding the Planning Commission's Denial of its Request to Amend P-D (21), Planned Development District No. 21 (Lakeshore Village) by Modifying the Permitted Uses to Allow a Restaurant with Cocktail Lounge at 1750 West Kettleman Lane (APN 058-160-86)

**MEETING DATE:** October 6, 1993

**PREPARED BY:** Community Development Director

**RECOMMENDED ACTION:** That the City Council conduct a Public Hearing to consider the appeal from Marlo Kerner and Associates regarding the Planning Commission's denial of its request to amend P-D (21), Planned Development District No. 21 (Lakeshore Village) by modifying the permitted uses to allow a restaurant with Cocktail Lounge at 1750 West Kettleman Lane (APN 058-160-86).

**BACKGROUND INFORMATION:** At its meeting of June 14, 1993, after conducting the required Public Hearing, the Planning Commission denied the above described zone change request of Marlo Kerner and Associates.

Section 17.84.050 of the Lodi Municipal Code provides as follows:

"Disapproval Recommendation - Appeal to Council.

If the report of the Planning Commission recommends disapproval of the proposed change or amendment or reclassification, the applicant upon modification of such action may, within twenty days thereafter, appeal to the City Council. After public hearing with due notice as provided in the Chapter the City Council may by a four-fifths vote of the entire Council grant an appealed application and adopt by the vote an Ordinance effecting such proposed changes or portions thereof."

The Planning Commission's decision to deny this request can only be reversed by a four-fifths vote of the entire City Council.

The portion of the June 14, 1993 Planning Commission meeting dealing with this matter is enclosed. It is an accurate description of what transpired.

APPROVED \_\_\_\_\_

THOMAS A. PETERSON  
City Manager



recycled paper

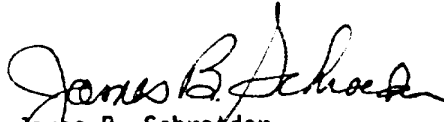
CC-1

CCCD93.44/TXTD.01C

M. Kerner Appeal re Amendment of PD(21) - 1750 W. Kettleman Lane  
October 6, 1993  
Page two

Also enclosed are copies of the rezoning application, letter of denial and various maps depicting zoning, site location and shape and a proposed site plan for the restaurant and cocktail lounge.

FUNDING: None required.

  
James B. Schroeder  
Community Development Director

Attachments

JBS/cg

CCCD93.44/TXTD.01C

Excerpts from  
PLANNING COMMISSION MINUTES - June 14, 1993

The next public hearing was the request of Marlo Kerner and Marlene Gutierrez to amend P-D(21), Lakeshore Village, by modifying the permitted use to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane and to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the project. Community Development Director Schroeder introduced this matter to the Planning Commission. He stated that the proposed site is designated for office-institutional uses within the planned development. He noted there are restaurant sites designated within this area. However, they are located west of the site along Mills Avenue. Mr. Schroeder also indicated there is a convenience store site located directly south of the subject site which has never been developed. He noted there have been previous attempts to change the use on this site. However, none have been successful.

Chairman Mindt then opened the hearing to the audience. Coming forward to speak was Marlo Kerner, one of the applicants. Mr. Kerner stated that he and a group of investors wished to build a dinner house on the proposed site. The restaurant would be a full service restaurant catering to an upscale adult clientele. The menu and features would be designed to cater both to the local neighborhood and the residents of Lodi as a whole. There would be no regular entertainment at the restaurant except for an occasional jazz combo or string quartet. There would be no amplified music. He noted that he had extensive experience in restaurant design and operation. He felt the proposed restaurant would be a significant contribution to Lodi. He also noted there is a convenience store/office site which would provide a buffer between the proposed restaurant and residences to the south.

Speaking in favor of the proposal were the following: R.B. Lasher, Willow Point Court, Norman King, Lakeshore Drive, Judy Ochoa, Lakeshore Drive, and Eleanor Kundert, Mills Avenue. They all felt that the proposed restaurant would be an asset to both the neighborhood and to the City of Lodi and that Mr. Kerner would operate a quality restaurant.

Chairman Mindt then asked if anyone in the audience wished to speak in opposition to the matter. The following came forward to speak: Lee Chappel, Cape Code Circle, Linda Geringer, Timberlake Circle, Phil Frieders, Timberlake Circle, Mark Pauley, Timberlake Circle, Abdullah Kourdaji, Timberlake Circle, Norma Baxter, Lakeshore Drive, Ron Brin, Timberlake Circle, Carlos Alegre, Timberlake Circle, Bruce Sutherland, Timberlake Circle, Tom Miller, Timberlake Circle, and Roger Kern, State Farm Insurance. In general, the speakers were opposed to the proposed change and were concerned that the restaurant would generate additional noise and traffic particularly late at night. The speakers expressed concern about the proposed bar in the restaurant and how it might affect traffic safety along Lakeshore Drive. Many of the speakers expressed the feeling that while they were not opposed specifically to the restaurant proposed by Mr. Kerner, there was no assurance that this is

actually the type of restaurant that would be constructed. They felt that if the restaurant were to change hands, another type of less acceptable restaurant could be built or operated on this site. Finally, the speakers all expressed the feeling that they built or purchased their homes in this location based on the existing office designation and were opposed to any change to a commercial use.

Coming forward to speak in rebuttal to the opposition was Marlo Kerner. Mr. Kerner stated that his proposal would not be a neighborhood bar, but a full sit-down restaurant. Neither the bar nor the restaurant would be open past 11:00 or 12:00 at night. He felt the building would be an attractive addition to the neighborhood with an interesting design and heavy landscaping. Adequate parking is planned to meet the requirements of the building. There would be no amplified music to create a noise problem. Finally, he stated he and his partners had sufficient financial backing and experience in the restaurant business to operate a successful business enterprise.

Commissioners Lapenta and Hitchcock both expressed their feeling that the applicants and the homeowners should get together again in an attempt to work out their differences and concerns. Mr. Kerner stated he is willing to meet with the homeowners or anyone else to try to resolve their differences. The majority of homeowners in the audience stated they were not interested in further meetings with the applicants because they felt their differences could not be resolved.

Before voting on this matter the Commissioners expressed their feelings on this matter. The majority of the Commissioners felt Mr. Kerner had a good idea and was capable of operating a first class restaurant. They were, however, concerned about whether or not the location is appropriate for a restaurant and the possibility that another type of restaurant or a different owner could occupy the site in the future. They also felt that the homeowners in the area have a right to expect the property to be developed in accordance with the General Plan which currently shows the property with an office-institutional land use. Commissioner Marzolf expressed his support of the project and stated he felt the proposed restaurant would be an asset to the neighborhood and the City of Lodi.

Following this discussion, a motion to deny the proposed zoning change was made by Commissioner Hitchcock and seconded by Commissioner Lapenta and approved on a 6-1 vote with Commissioner Marzolf voting "No".

CITY COUNCIL

PHILLIP A. PENNINO, Mayor  
JACK A. SIEGLOCK  
Mayor Pro Tempore  
RAY C. DAVENPORT  
STEPHEN J. MANN  
JOHN R. (Randy) SNIDER

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERRIN  
City Clerk  
BOB McNATT  
City Attorney

June 16, 1993

Mr. Marlo Kerner  
1715 Lakeshore Drive  
Lodi, CA 95242

Dear Marlo:

RE: Amend Planned Development District  
Certify Negative Declaration  
1750 West Kettleman Lane, Lodi

At its meeting of Monday, June 14, 1993 the Lodi City Planning Commission, by a 6 to 1 vote, denied the following requests of Marlo Kerner and Marlene Gutierrez:

1. to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86); and
2. to certify the filing of a negative declaration by the Community Development Director as adequate environmental documentation on the above project.

Section 17.84.050 of the Lodi Municipal Code (Zoning Restrictions) provides as follows:

"Appeal to Council. If the report of the Planning Commission recommends disapproval of the proposed change or amendment or unclassification, the applicant upon notification of such action may, within 20 days thereafter, appeal to the City Council."

Your appeal, if any, should be directed to Jennifer Perrin, City Clerk, P.O. Box 3006, Lodi, California, 95241-1910 and must be received by her by 5:00 p.m., Tuesday, July 6, 1993.

Mr. Marlo Kerner  
June 16, 1993  
Page 2

You should also be aware that Section 17.84.050 of the Municipal Code further provides:

"... the City Council may by a four-fifths vote of the entire Council grant any appealed application and adopt by the vote an Ordinance effecting such proposed changes or portions thereof."

If we can be of further assistance on this or any other matter, please call upon us.

Sincerely,

  
JAMES B. SCHROEDER  
Community Development Director

cc: City Clerk



# REZONING APPLICATION

COMMUNITY DEVELOPMENT  
DEPARTMENT



## APPLICANT

Name MARLO AND HAZEL KERNER, MARLENE GUTIERREZ

Phone (209) 368-0653

Address 1715 LAKESHORE DRIVE, LODI, CA. 95242

Date APRIL 14, 1993

Signature

PROPERTY OWNER (If Different from Above)

Name MARLENE GUTIERREZ et al

Phone (209) 334-5403

Address 541 So. Alton Ave

I hereby certify that I am the owner of record of the property described below, or have authorization to act in behalf of the owner, that I approve of the action requested herein.

Date APRIL 14, 1993

Signature

PROPERTY LOCATION

Address of Subject Property

APN: 058-160-86

Size (Acres)

Present Zoning Designation PD (21) Planned Development #21

Present Land Use (Vacant)

REQUEST

Proposed Zoning Designation and Land Use Amended Planned Development District #21 (P.D.(21)) to permit development with cocktail lounge &

FOR OFFICE USE ONLY

Application Received by JBS

Date Received 4-15-93

Assigned Planner

Tentative P.C. Hearing Date 6-14-93

City Council Hearing Date

FEES

Receipt No. 2049

Rezoning Fee \$ 100-

Environmental Review \$ 50-

Fee


TOTAL FEES \$ 150-

PAID

APR 15 1993

SEE BACK FOR IMPORTANT INFORMATION

# LAKE SHORE VILLAGE

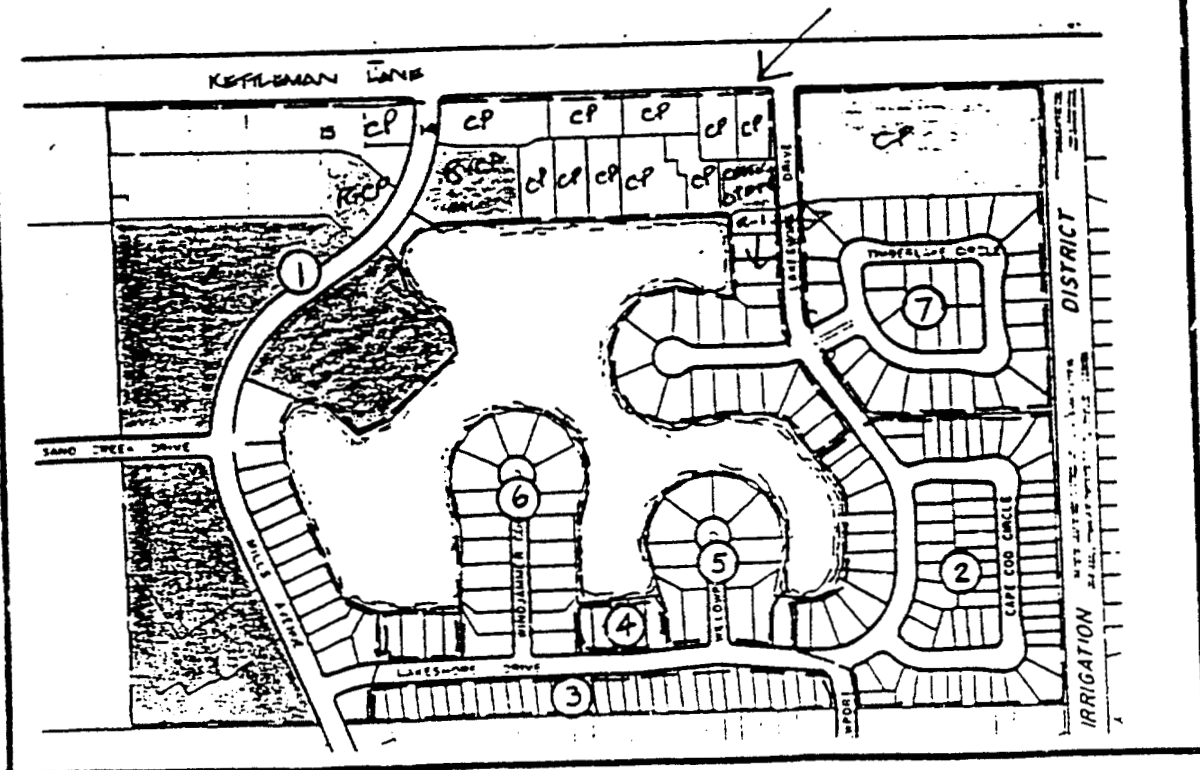
 R-1 SINGLE FAMILY

 R-CP W/  
RESTAURANT

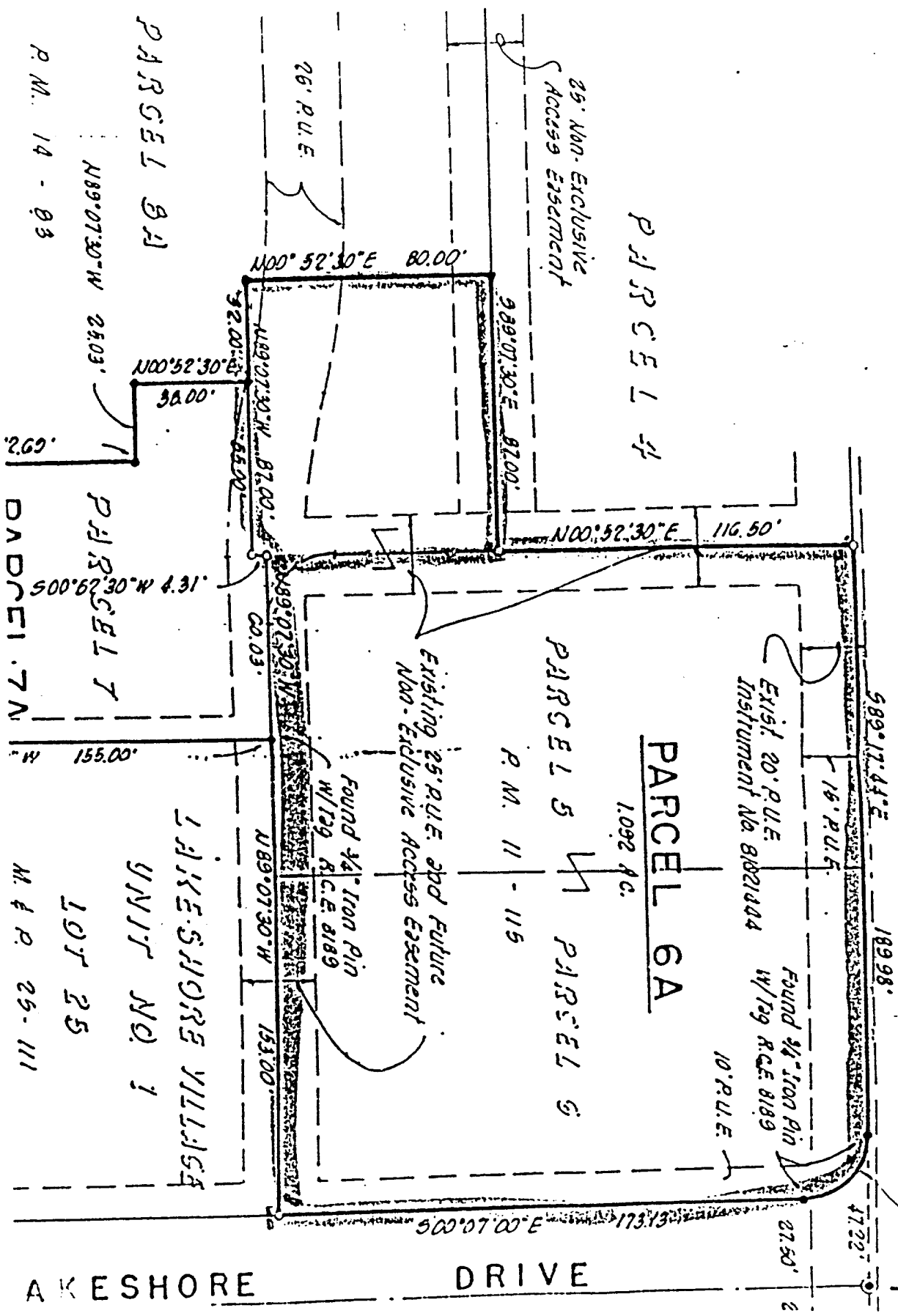
 MULTI-FAMILY

 CONVENIENCE  
STORE ONLY

 CP

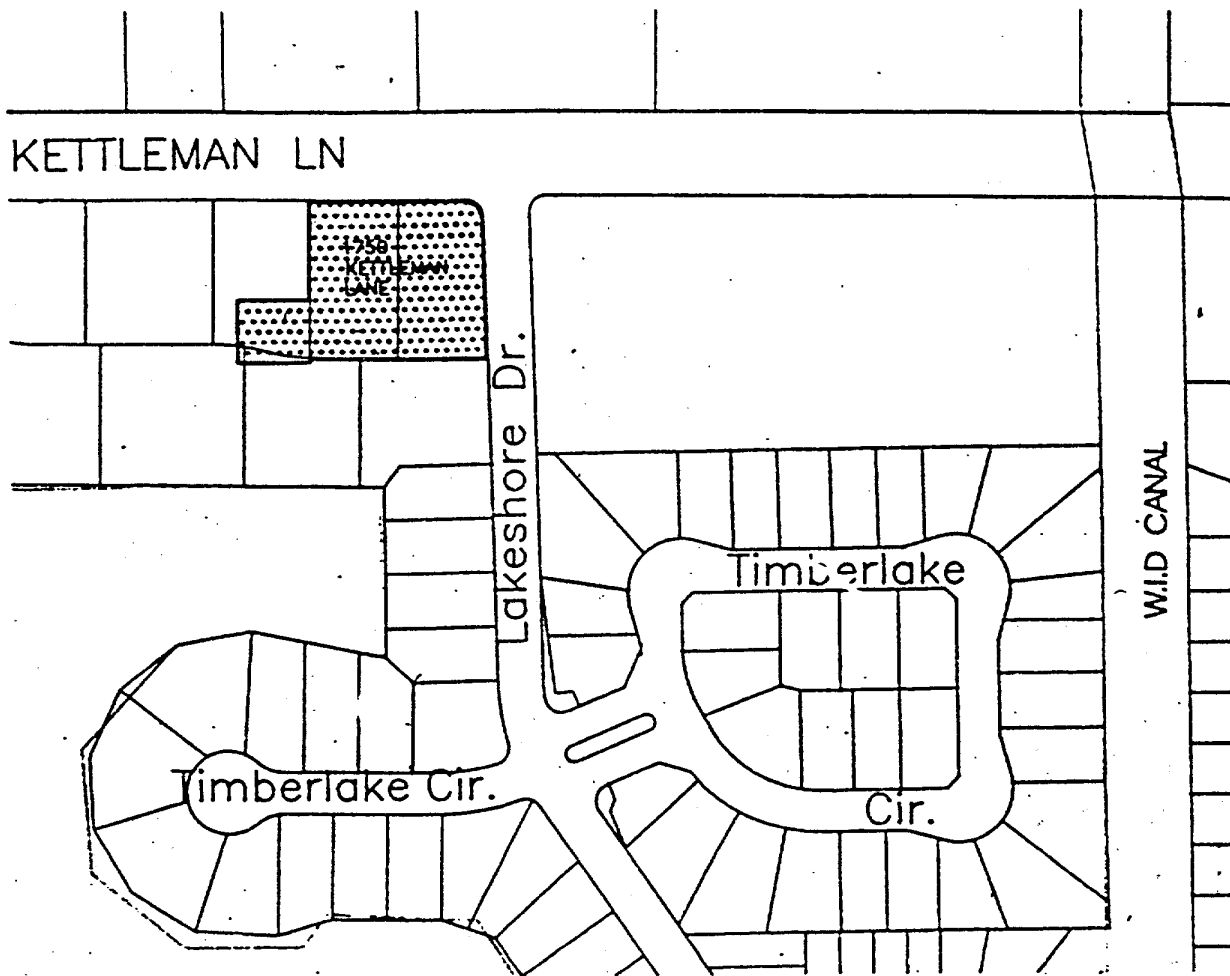


R. 20° 4' 09" 10' 44" L. 3.13'  
Ch. 544° 42' 47" E 2808'



LAKE SHORE DRIVE

LAKE SHORE UNIT NO. 1 LOT 25





ORDINANCE NO. 1587

=====

AN ORDINANCE OF THE LODI CITY COUNCIL  
AMENDING PD(21), PLANNED DEVELOPMENT DISTRICT NO. 21 (LAKESHORE  
VILLAGE), 1750 WEST KETTLEMAN LANE (APN 058-160-86) TO MODIFY THE  
PERMITTED USES OF OFFICE-INSTITUTIONAL TO OFFICE-INSTITUTIONAL OR A  
RESTAURANT WITH A COCKTAIL LOUNGE.

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. PD(21), Planned Development District No. 21 (Lakeshore  
Village), 1750 West Kettleman Lane (APN 058-160-86) is hereby amended  
to modify the permitted uses of Office-Institutional, to Office-  
Institutional or a restaurant with a cocktail lounge.

SECTION 2. All ordinances and parts of ordinances in conflict  
herewith are repealed insofar as such conflict may exist.

SECTION 3. This ordinance shall be published one time in the "Lodi  
News Sentinel", a daily newspaper of general circulation printed and  
published in the City of Lodi and shall be in force and take effect  
thirty days from and after its passage and approval.

Approved this       day of       , 1993

\_\_\_\_\_  
PHILLIP A. PENNINO  
Mayor

Attest:

JENNIFER M. PERRIN  
City Clerk

State of California  
County of San Joaquin. ss.

I, Jennifer M. Perrin,, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1587 was introduced at a regular meeting of the City Council of the City of Lodi held October 6, 1993 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held , 1993 by the following vote:

Ayes:	Council Members -
Noes:	Council Members -
Absent:	Council Members -
Abstain:	Council Members -

I further certify that Ordinance No. 1587 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN  
City Clerk

Approved as to Form

BOBBY W. McNATT  
City Attorney

ORD1587/TXTA.01V

Planning Commission  
City Hall  
P.O. Box 3806  
Lodi, CA. 95241-1910

June 07, 1993

Dear Planning Commission,

I am responding to the notice that Marko Kerner and Marlene Gutierrez are requesting a change to P-D (21) by modifying the permitted uses to allow a restaurant and cocktail lounge at 1750 West Kettleman Lane (AAP 058-160-86). I am opposed to that request for change.

I purchased my home in 1984 from the developer prior to its construction. The developer presented, as a feature to enhance the desirability and value of the development and my home, the fact that the land adjacent to Kettleman Lane would be light office use. They promised a campus like setting, nicely landscaped with lots of trees, and light traffic. For example, professional offices with access via Kettleman Lane, not the side streets. Also, a characteristic use pattern for normal business hours without heavy night or weekend use.

Lakeshore drive has already taken on the appearance of a backstreet short-cut with obviously more traffic than just the residents. A restaurant and lounge would increase this unintended traffic. The development of strip malls to the east and the large department stores to the west of Lakeshore



(2) 7

Village are already increasing the congestions on Kettlemann Lane where it passes our neighborhood. The change in traffic and use pattern that a restaurant and lounge represents, as opposed to the development plan use, directly adjacent to the entry to our neighborhood will exponentially compound an already heavy traffic area.

The increase number of hours of use per day and week, the less desirable aesthetic quality, and commensurate increase in traffic make the restaurant-lounge incompatible with our neighborhood and expectations.

It occurs to me that land currently used for strip-malls and department stores in our immediate area must include unused space already zoned for restaurant-lounge use. I oppose the change that will increase this type of land use near my home.

Thank you for protecting the quality, safety, and desirability of our local residential neighborhoods while providing a reasonable balance to assure economic success and good local business services.

Sincerely,  
Timothy Chapman

TIMOTHY W. CHAPMAN  
1745 CAPE COD CIRCLE  
LODI, CALIFORNIA 95242  
(209) 334-1754

Mr. and Mrs. Joseph E. Bewley  
1515 Lakeshore Drive  
Lodi, California 95242

RECEIVED  
CITY CLERK  
CITY OF LODI

August 19, 1993

City of Lodi  
City Council  
305 West Pine Street  
Lodi, California 95240

We are writing in response to the notice that we received pertaining to an appeal from Marlo Kerner & Associates regarding the Planning Commission's denial of it's request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).

We strongly object to the modification of the permit uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane. Our home is located south of the subject lot, with only three lots in between. We believe that the placement of such a business in close proximity to our personal residence would create a nuisance with respect to noise and traffic during the evening and early morning hours, times when we are in our home for the purpose of relaxing and sleeping. I am an early riser (4:30AM) and know how sounds carry and disturb at night. The highway traffic sounds are not nearly as disturbing as when a neighbor has an outdoor conversation. I foresee this to be relatively commonplace up to 3:00AM as customers of the cocktail lounge linger in the parking lot. I also believe that the placement of this restaurant would decrease the value of our property.

I was at the Planning Commission meeting in June when Doctors King and Lashier spoke and endorsed the proposed restaurant. Both of these individuals live much further away from the subject site and I doubt that they would be disturbed by the noises, odors of cooking foods, and other activities associated with such a business. I also do not believe that their property values would be negatively affected. Those of us living in very close proximity to the restaurant would be the ones who would be negatively impacted by such a business.

Again, we are very strongly opposed to the placement of a restaurant at 1750 West Kettleman Lane. Office buildings are excellent neighbors. They are busy during the day when we are away from our home, and generally closed in the evenings and on weekends. We ask that you deny the appeal by Marlo Kerner & associates.

Thank you for your consideration.

Sincerely,

*Joseph E. Bewley*  
Joseph E. Bewley

*R. Monique Bewley*  
R. Monique Bewley

Herbert Dörken, Ph.D.  
Consulting Psychologist  
1738 Windjammer Court  
Lodi, CA 95242  
(209) 339-4943

August 18, 1993

Ms. Jennifer Perrin  
City Clerk, City of Lodi  
221 W. Pine St.  
Lodi, CA 95241

Dear Ms. Perrin:

I wish to ask the Planning Commission to again deny the request of Maric Kerner and Associates to amend P-D (21) by modifying the permitted uses of the SW corner property on Kettleman Lane at Lakeshore Drive to permit a restaurant with cocktail lounge at 1750 West Kettleman. My reasons for opposition are three fold.

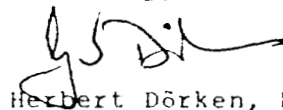
First, my understanding is that the current zoning is for offices. Such use is typically low density occupancy with little traffic volume in contrast to a restaurant and bar. Thus, if granted, such a rezoning would increase traffic, noise and congestion in the area to an undesirable level.

Second, within the two blocks approaching Lakeshore Drive along Kettleman Lane, there are already a number of restaurants. At Fairmont and Kettleman there is the Round Table Pizza and Gregory's. Both serve beer and wine. Heading west, the Pizza World failed and its space is empty. Then there is Yen Ching which also serves beer and wine, followed by Dino's with a full bar. Two prior restaurants failed in the Dino location. Right on Kettleman at Ham, with full bar, is Gee Willies, which succeeded the failed Cask and Cleaver. With its recent 50% off early bird and other signs, it appears to be struggling. On the west side of Ham there is Angelina's with full bar, the Creamery (family style) and a takeout Pizza (Little Caesars). The immediate area hardly needs another restaurant and probably cannot support one.

Third, the Walmart and Target shopping centers, two blocks west, were designed for high density use and I understand have available commercial space which could be used by a restaurant.

For these reasons, as a Lakeshore resident, I respectfully request that the Planning Commission deny the subject request.

Sincerely,



Herbert Dörken, Ph.D.

August 25, 1993

Lodi City Council  
c/o City Clerk  
221 W. Pine St.  
Lodi CA

Dear Council Members,

This is a formal protest against the appeal from Mario Kerner and Associates regarding the Planning Commission's denial to amend P-D(21).

My home (back yard) faces the proposed restaurant site. When I purchased my home, I did so with knowledge that the undeveloped land was zoned for commercial office. I paid a premium for a lake view lot based on existing zoning.

Allowing a restaurant/cocktail lounge in this commercial complex defeats the purpose of the Planning Commission's intent. Needless to say, the noise, traffic and view of a restaurant from my back yard is not what I bargained for.

Please deny this appeal.

Sincerely, Phil Frieders  
1709 Timberlake Circle, Lodi CA

Phil Frieders  
1709 Timberlake Circle  
Lodi, CA 95242



**CITY OF LODI**  
CARNEGIE FORUM  
305 West Pine Street, Lodi

**NOTICE OF PUBLIC HEARING**

Date: September 1, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing  
Please Contact:

Jennifer M. Perrin  
City Clerk  
Telephone: 333-6702

**NOTICE OF PUBLIC HEARING**

September 1, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) appeal from Marlo Kerner & Associates regarding the Planning Commission's denial of it's request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

Dated: July 21, 1993

Approved as to form:

*B W McNatt*  
Bobby W. McNatt  
City Attorney

*Received by the  
homeowners association  
and passed on to you  
for your information*

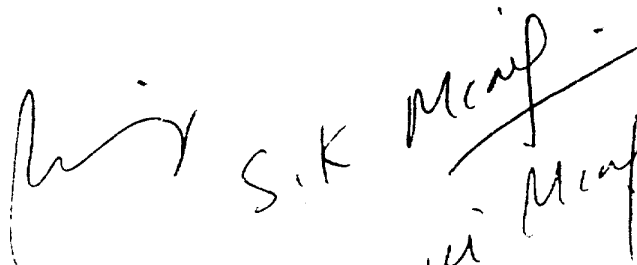
*To Reply*

*P.T.O. P.T.O.*

RECE.  
CITY OF LOS ANGELES  
M. PERRIN  
CLERK  
91

To City of Los Angeles

We are against  
plan of Kemner & associate  
to set up  
a Restaurant  
at Lake Shore Village

 S.K. Meap  
Comm' Council Meap

Resident AT  
1708 Townsend Court



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: September 1, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing  
Please Contact:

Jennifer M. Perrin  
City Clerk  
Telephone: 333-6702

## NOTICE OF PUBLIC HEARING

September 1, 1993

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) appeal from Marlo Kerner & Associates regarding the Planning Commission's denial of it's request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

*Jennifer M. Perrin*  
Jennifer M. Perrin  
City Clerk

Dated: July 21, 1993

Approved as to form:

*Bobby W. McI*  
Bobby W. McI att  
City Attorney

*P.T.O.*  
*In Response*

RECEIVED  
93 AUG 16 PM 12:36  
JENNIFER L. FORDHAM  
CITY CLERK  
CITY OF LOS ANGELES

There is no place  
for a Restaurant of  
the said description  
to be built at  
1750 West Kettleman  
Lane

with Bad influence on  
children of this  
Residential  
neighborhood

A ~~W~~  
Owner at  
1826 W Kettleman  
Lane  
Los Angeles



**MK**

RECEIVED  
CITY CLERK  
CITY OF LODI

August 12, 1993

Jennifer Perrin  
City Clerk  
P.O. Box 3006  
Lodi, CA 95241

Dear Ms. Perrin,

Due to extenuating circumstances, I request that my appeal to the city council, scheduled for September 1, 1993, be continued to the meeting of October 6, 1993.

Sincerely,

  
Marlo Kerner

MARLO KERNER & ASSOCIATES  
P. O. Box 1890  
Lodi, California 95241  
Phone (209) 368-0691  
FAX (209) 368-0691


DECLARATION OF MAILING

On September 3, 1993 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 3, 1993, at Lodi, California.

  
Jennifer M. Perrin  
City Clerk

---

Peggy Nicolini  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF CONTINUED PUBLIC HEARING

Date: October 6, 1993

Time: 7:00 p.m.

For information regarding this Public Hearing  
Please Contact:

Jennifer M. Perrin  
City Clerk  
Telephone: 333-6702

## NOTICE OF CONTINUED PUBLIC HEARING

October 6, 1993

Continued NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:00p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) appeal from Marlo Kerner & Associates regarding the Planning Commission's denial of it's request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.


If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

  
Jennifer M. Perrin  
City Clerk

Dated: September 1, 1993

Approved as to form:

  
Bobby W. McNatt  
City Attorney

## PUBLIC HEARING LIST

Page 1 of 3

MAILING LIST FOR:	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP	FILE #
058-160-86	Marlene Gutierrez et al	541 S Ham Lane	Lodi	95342	1750 W. Kettelman Ln.
-89	Thomas Luckey Constr. Inc	P.O. Box 7428	Stockton	95201	
-92	Lakeshore Ltd	5031 F/ Camino Ave	Carmichael	95608	
-95	Tajir Shakila Khan	1112 Rivergate Dr.	Lodi, CA	95340	
-85	"	"	"	"	
-81	Marion Schimke	1521 Lakeshore Dr.	"	95342	
-82	Joseph E. & R.M. Bevelly	1515 Lakeshore	"	"	
-83	Nordia R. Baxter Tr.	1509 Lakeshore	"	"	
-84	Dominick & Jill Campana	1503 Lakeshore	"	"	
-46	Lakeshore Village Builders	SSN 4661 Winding River	Stockton	95219	
-19	Phillip A. Frieders et al	1709 Timberlake Cir.	Lodi, CA	95343	
-17	Raymond Carol Freeman	1721 Timberlake	"	"	
-16	Hebbett Preszler Jr.	1737 Timberlake	"	"	
-350-01	J.R. Properties Inc	P.O. Box 70391	Stockton	95269	
-02	"	"	"	"	
-03	Feather March Investments	4568 Feather River	"	95219	
-04	Cecil & J. Dillon et al	1870 W. Kettelman Lane	Lodi	95341	
-05	"	"	"	"	
-06	"	"	"	"	
-07	Sheldon Kleger et al	1816 W. Kettelman #A	"	"	
390-01	Joe Mel & Mary Ann	1816 W. Kettelman #B	"	"	
-02	Philip & Lydia Sabeldt	1816 W. Kettelman #C	"	"	
-03	Sheldon Kleger et al	1816 W. Kettelman	"	"	
-04	Raymond & Gay Cuenca	535 E. Riverside Dr.	Hondbridge	95353	
-05	"	"	"	"	
-06	"	"	"	"	
-07	Dutra Leasing Co.	P.O. Box 338	Richiesta CA	94571	
400-01	Lakeshore Properties Ltd	1806 W. Kettelman #H	Lodi	95342	
-02	Kirk & Sharon Stangeland	1806 W. Kettelman #L	"	"	
-03	David & Shardee Nietschke	1806 W. Kettelman #D	"	"	
-04	Marlene Gutierrez	541 S Ham Lane	"	"	
-05	Dennis B. & Lina Bruns	2822 Chauncey Dr.	Stockton	95209	
-06	Dutra Leasing Co et al	P.O. Box 338	Richiesta CA	94571	
-07	C.S.B. Development Inc	1806 W. Kettelman Ln #G	Lodi, CA	95343	
-08	D. B. Sasaki Investments	1806 " #H	"	"	
-09	"	"	"	"	
-10	"	"	"	"	

EXHIBIT B

EKERNER

PUBLIC HEARING LIST

Page 2 of 3

MAILING LIST FOR:		FILE #		
AP#	OWNER'S NAME	MAILING ADDRESS	CITY, STATE	ZIP
058-400-11	Raymond H. B. Coldani	1806 S. Hamilton St. - E	Lodi CA	95240
-12	Vernon & Marcia Land	1806 W. Kellenman St. K	"	"
-13	Angelo Aliquos (VO)	1019 Timberlake	"	"
031-010-11	ISBANKA, SHILVE ELAL	1671 E. Hwy 12	Bloomington IL	61710
258-360-35	State Farm Auto Ins Co.	01 State Farm Plaza	Lodi	95240
-03	Bruc & Denise Sutherland	1512 Timberlake Cir	"	"
-04	Roger & Judy Marasini	1518 Timberlake Cir	"	"
-02	Abbie L. Hill & N. Trs	1506 Timberlake Cir	"	"
-08	Christine Reddingen	1524 Timberlake Cir	"	"
037-040-17	First Nazarene Church	1307 E. Hwy 12	"	"
-63	Michael H. Crete et al	1826 W. Kellenman Ln	"	"
-64	ECE Development Assoc. H. et al	el 120 X. Pleasant Ave	"	95240
-65	Ronald D. Dunscomb et al	% Majory Hillier 422 Buena Vista	Hedesto	95333
058-160-06	Marlo & Hazel Kerner	1715 Lakeshore Dr.	Lodi CA	95243
-07	Norman & King Trs.	1611 Lakeshore Dr.	"	"
-08	Curt & Beverly Gabrielson	1607 Lakeshore Dr.	"	"
-09	Kevin & Dyanne O'Connell	1601 Lakeshore Dr.	"	"
-09	Jack & Brenda Sieglack	1702 Timberlake Cir.	"	"
-10	Shirley & Wai H. Hing	1709 "	"	"
-11	Mark A. & Susan P. Puly	1714 "	"	"
-12	Melvin E. & Maties Fines	1720 "	"	"
-13	Louis W. & J. Correll	1726 "	"	"
-14	Norman G. & Ann Carlin	1732 "	"	"
-15	Thomas & Pamela Miller	1733 "	"	"
-16	John B. Woodbury II	1715 "	"	"
-20	Janet H. Goble	1703 "	"	"
058-260-01	Charles Jr. & H. Jennings	2390 Portland #106	Lodi Angeles	90007
-06	Charles F. & Michele Heger	1530 Timberlake	Lodi CA	95243
-07	Frank & Terri Stevenson	1536 "	"	"
-08	Scott & Sharon Rohrbach	1543 "	"	"
-09	Beverly H. Coldani	1548 "	"	"
-10	John & Marie Ettecalde	1554 "	"	"
-11	Robin & Faye Kieger	1560 "	"	"
-12	Grant & Kathy Fawcett	1600 "	"	"
-13	Norman G. & Linda Howry	1606 "	"	"
-14	Douglas A. & C.R. Hieb	1612 "	"	"

← Subsequent mailing

PUBLIC HEARING LIST

EKERNER

MAILING LIST FOR: Rezoning (Amend P-D(21) 1750 W. Kethemian Ln.			
AP#	OWNER'S NAME	MAILING ADDRESS	CITY, STATE ZIP
058-260-15	David & Kim Duke	1618 Timberlake	Los Angeles CA 90044
-16	HARRY K & KUI STEWART	1634	" "
-17	Betha S. White	1630	" "
-18	William H & Katherine	1636	" "
-19	Rocky K & Pat O. York	1643	" "
-20	Elton & Pamela Schneider	1648	" "
-21	Thomas W & Jani Alexander	1654	" "
-22	Brad & Betty J. Baltzer	1660	" "
-23	Betty Hope & Etal	1666	" "
-24	Abdullah S. Khouraji	1672	" "
-25	Robert & Dixie Smith	1678	" "
-26	Donald Thull Jr.	1687	" "
-27	EGL & Patricia Stair	1659	" "
-28	Edward & D.D. Madomba	1653	" "
-29	Lawrence & RJ Schneider	1647	" "
-30	Greg & Julie Weaver	1547	" "
-31	Earl Jr & Diana Thomas	1541	" "
-32	James & AB Provenzano	1535	" "
-33	William & Ellen Freuld	1533	" "
-34	Ronald & AL Brian	1673	" "
-36	Lakeshore Village Owners Assn	4661 Wilshire River Dr.	Stockton 95207
-37	" "	" "	" "
-38	" "	" "	" "
	Mr. & Mrs. Roy Denton	2207 Chaparral Court	Los Angeles CA 95242
	Al Schimmel	1705 Cape Cod Circle	Los Angeles CA 95242

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P E T I T I O N

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WE, THE RESIDENTS OF LAKESHORE VILLAGE IN LODI, CA., HEREBY PROTEST THE REQUEST MADE TO THE PLANNING COMMISSION BY MARLO KERNER AND MARLENE GUTIERREZ TO AMEND P-D(21), PLANNED DEVELOPMENT DISTRICT NO.21, AS INDICATED IN THE "NOTICE OF PUBLIC HEARING" DATED JUNE 1, 1993.

	NAME & ADDRESS	DATE	PHONE NUMBER
1	Judy Marciadini 1518 Timberlake Cir	6/7/93	369-7948
2	Judy Marciadini 1518 Timberlake Cir	6/7/93	369-7948
3	Maile Sutherland 1512 Timberlake Cir	6/7/93	334-9147
4	Denise Sutherland 1512 Timberlake Cir	6/7/93	334-9147
5	CARLOS ALEGRE 1532 TIMBERLAKE CIRCLE	6/7/93	339-0951
6	Mildred Abrie	6-7/93	334-0936
7	Lawrence W. Abrie	6-7-93	334-0936
8	Christine Haddington 1524 Timberlake Cir. Lodi	6-7-93	369-6058
9	M. Freund	1523	368-4767
10	Ferry Freund	Timberlake	368-4767
11	Kurt Dyle	1618 Timberlake	368-3539
12	Steve Steverice	1536 Timberlake Cir	368-4694
13	Marie & John Enescalde		368-1220
14	1554 Timberlake Cir		"
15	Juli Weaver 1547 Timberlake Cir Lodi	Juli Weaver	339-8721
16	Debbie Pedgum	1630 Timberlake	3398421

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 DEVELOPMENT DISTRICT NO.21, AS INDICATED IN THE "NOTICE OF  
 PUBLIC HEARING" DATED JUNE 1, 1993.

	NAME & ADDRESS	DATE	PHONE NUMBER
✓1	Joseph E. Bewley 1515 Lakeshore Drive	6-8-93	(209) 334-1767
✓2	Janet Goble 1703 Timberlake	6/8/93	209-334-1435
✓3	Jeff Canon 1703 TIMBERLAKE	6/8/93	209-334-1435
✓4	Sinda Briw 1623 Timberlake	6-8-93	333-3366
5	Diana Thomas 1541 Timberlake		3390366
✓6	Sindy Gehrig 1709 Timberlake		369-1223
✓7	Phil Ovidus 1709 Timberlake		369-1223
✓8	Carol Freeman 1721 Timberlake		339-9454
✓9	Raymond Freeman 1733 Timberlake	6-9-93	339-9454
✓10	Paul S. Miller 1733 Timberlake	6/9/93	333-9138
①	Carla Hitcher 1714 Timberlake Cir	6/9/93	367-4237

(810 Wightman Dr Lodi)



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NAME & ADDRESS	DATE	PHONE NUMBER
✓ 1. <del>1642</del> <sup>1660</sup> Timberlake Cir	6-8-93	368-4911
✓ 2. Pamela Schneider	6-8-93	368-4911
✓ 3. <del>Barbara</del> <sup>1660</sup> Timberlake	6-8-93	339-9570
✓ 4. <del>Little</del> <sup>1660</sup> Timberlake	6-8-93	11
✓ 5. Betty L. Hysse	6-8-93	1666 Timberlake Cir
✓ 6. Abdulla Knapwaji	6-8-93	269-8310
✓ 7. Sahar <del>Alm</del> <sup>672</sup> Timberlake Cir		369-8310
✓ 8. R.C. Dell <sup>1667</sup> Timberlake Cir	6-8-93	364-4823
✓ 9. Glen M. Hull	6-8-93	11
✓ 10. Pat Stawiff <sup>1659</sup> Timberlake	6-8-93	369-1745
✓ 11. <del>Pat</del> <sup>1659</sup> Timberlake	6-8-93	369-1745
✓ 12. Scott Rehrbach <sup>1542</sup> Timberlake	6-8-93	369-7351
✓ 13. Sharon Rehrbach <sup>1542</sup> Timberlake	6-8-93	369-7351
✓ 14. Michele Ridgely <sup>1530</sup> Timberlake	6/8/93	339-0951
✓ 15. Ron Beyer <sup>1673</sup> Timberlake		333-7366
✓ 16. Norma R. Barten <sup>1509</sup> Lakeview		368-0592

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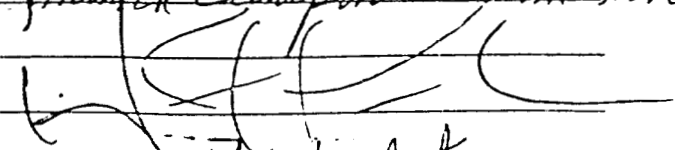
NAME & ADDRESS	DATE	PHONE NUMBER
TIMOTHY W. CHAPMAN 1745 CAPE CAL CIR	06/09/93	334-1754
Lain Hetschlow 1723 Cape Cal Circle	6-9-93	369-0714
Scott Zindgen 1728 Cape Cal Circle	6-9-93	334-1037
Mary Henderson 1775 Bessing	6-9-93	334-6037
Mike Greenberg 1784 Cape Cal Cir	6-11-93	368-1991
Marlene Chapple 1712 Cape Cal Circle	6-12-93	368-1884
Louise Alaster 1708 Cape Cal		334 3209
Lj. Jaramet 1736 Cape Cal Cir		334-9404
Frank Martineau 1744 Cape Cal Cir		369-3465
Frieda Michelson 1748 C.C.C.		334-2328
Barbara Lutz 1752 C.C.C.		367-1559
Marcus L. Lucas 1752 Cape Cal Circle		369-8726
James L. Leeler 1768 Cape Cal Cir		369-8726
Stephanie Keir 1800 CAPE CAL CIR		368-1438
John N. Kelly 1820 Cape Cal Cir		369-2866
		334-1402

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	NAME & ADDRESS	DATE	PHONE NUMBER
1	✓ SHIU, Ming	6/9/93	334 6884
	✓ 1708 Timberlake Cir		
2	1618 Lakeshore Dr Leona Figma		333-1628
3	Beverly Coldani		
	1548 Timberlake Circle		369-2468
4	✓ Linda Mowery	6/9/93	
	✓ 1606 Timberlake Cir.		369-1229
5	✓ William D. Huth		
	✓ 1636 Timberlake Circle		333-1613
6	✓ Faye Riegn 1510 Timberlake		368-9115
7	<del>met + Marlis Finos met + Marlis</del> <del>1720 Timberlake</del>		<del>368-1865</del>
8	✓ Jim Provenzano 1535 TIMBERLAKE CIR		367 0385
9	✓ Alexandria Provenzano	" "	" "
10	✓ Minick Campora 1593 Lakeshore Dr		333-8399
11	✓ 		369-8317
	1727 Timberlake		

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[illegible]

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[illegible]

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✓ 1	LARRY J SCHNEIDER	11647 TIMBER LAKE CIR	334-4587
2	<del>John</del> Schneider	11647 TIMBER LAKE CIR	334-4587
3	Maidine Olman	1718 Lakeshore Dr.	368-8676

**MK**

RECEIVED

93 SEP 30 AM 9:29

JENNIFER M. PERRIN  
CITY CLERK  
CITY OF LODI

September 29, 1993

Jennifer Perrin  
City Clerk  
P.O. Box 3006  
Lodi, CA 95241

Dear Ms. Perrin,

I respectfully request that my appeal to the city council scheduled for October 6, 1993 be withdrawn and the public hearing cancelled.

Sincerely,

  
Marlo Kerner

MARLO KERNER & ASSOCIATES  
P. O. Box 1890  
Lodi, California 95241  
Phone (209) 368-0691  
FAX (209) 368-0691